

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph C. Chan, et al.

Examiner: Unassigned

Serial No.: 09/758,484

Art Unit: 2661

Filed: January 10, 2001

For: METHOD AND APPARATUS FOR VARIABLE
FRAME SIZE RADIOLINK PROTOCOL BASED
ON CHANNEL CONDITION ESTIMATION

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231 on

June 29, 2001

(Date of Deposit)

Beverly Kehoe Shea

(Printed name)

Beverly Kehoe Shea 6/29/01

(Signature)

(Date)

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
(FILING DATE GRANTED)**

Sir:

In response to the Notice to File Missing parts of Application (Filing Date Granted) mailed May 2, 2001, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application (two duplicate copies separately executed by Joseph C. Chan and Chinh Tran);
- (2) an Amendment and Petition under 37 C.F.R. §1.47(b) to correct a defective Declaration and Power of Attorney that is lacking the signature of co-inventor Chi-ping Nee, Declaration of Maria McCormack Sobrino, and a check in the amount of \$130.00 in accordance with 37 C.F.R. §1.17(i);
- (3) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. §1.16(e); and
- (4) a copy of the Notice to File Missing Parts of Application.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 29, 2001

Maria McCormack Sobrino
Maria McCormack Sobrino (Reg. No. 31,639)

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026 (408) 720-8598



FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on June 29, 2001

Date of Deposit

Beverly Kehse Shea

Name of Person Mailing Correspondence

Beverly Kehse Shea

Signature

6/29/01

Date

Serial/Patent No.: 09/758,484 Filing/Issue Date: January 10, 2001
Client: Sony Electronics, Inc.

Title: Method and Apparatus for Variable Frame Size Radiolink Protocol Based on Channel Condition Estimation

BSTZ File No.: 080398 P347

Date Mailed: June 29, 2001 Atty/Secty Initials: MES/FMA/bks

Docket Due Date: July 2, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input type="checkbox"/> Express Mail No: _____	<input checked="" type="checkbox"/> Check No. <u>43867</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time	<input type="checkbox"/> Amt: <u>130.00</u>
<input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-149 (____ pgs.)	<input checked="" type="checkbox"/> Check No. <u>43868</u>
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal	<input type="checkbox"/> Amt: <u>130.00</u>
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time	
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input type="checkbox"/> Petition for _____	
<input type="checkbox"/> Application - Design (____ pgs.)	<input checked="" type="checkbox"/> Postcard	
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)	
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)	
<input type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Reply Brief (____ pgs.)	
<input checked="" type="checkbox"/> Certificate of Mailing <u>signed copies</u>	<input checked="" type="checkbox"/> Response to Notice of Missing Parts	
<input checked="" type="checkbox"/> Declaration & POA (10 pgs.) <u>2 Indiv.</u>	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business	
<input type="checkbox"/> Disclosure Docs & Qig & Copy of Inventor Signed Later (____ pgs)	<input type="checkbox"/> Transmittal Letter, in duplicate	
<input type="checkbox"/> Drawings: ____ # of sheets includes ____ figures	<input type="checkbox"/> Fee Transmittal, in duplicate	
 <input checked="" type="checkbox"/> Other: <u>Amendment and Petition Under 37 CFR §1.47(b); Declaration of Maria McCormack Sobrino (with 4 Exhibits); copy of Notice to File Missing Parts of Nonprovisional Application (Filed Under 37 CFR 1.53(b)</u>		

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/758,484	01/10/2001	Joseph C. Chan	80398.P347

CONFIRMATION NO. 9336

FORMALITIES LETTER



OC000000006032258

Firasat Ali
 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
 Seventh Floor
 12400 Wilshire Boulevard
 Los Angeles, CA 90025-1026

Date Mailed: 05/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/09/2001 HTECKLU1 00000071 09758484

FILED UNDER 37 CFR 1.53(b)

01

FC:105 130.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The following item(s) appear to have been omitted from the application:

- Figure(s) 7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE